

28.1381(H).10

Presumptions Of Intoxication

The amount of alcohol in a defendant's [blood/ breath/ urine/ bodily substance] gives rise to the following presumptions:

1. If there was at that time 0.05 percent or less by concentration of alcohol in the defendant's [blood/ breath/ urine/ bodily substance], it may be presumed that the defendant was not under the influence of intoxicating liquor.
2. If there was at that time an excess of 0.05 percent but less than 0.10 percent by concentration of alcohol in the defendant's [blood/ breath/ urine/ bodily substance], such fact may not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor.
1. If there was at that time 0.10 percent or more by concentration of alcohol in the defendant's [blood/ breath/ urine/ bodily substance], it may be presumed that the defendant was under the influence of intoxicating liquor.

SOURCE: A.R.S. § 28-1381(H) (statutory language as of August 30, 2001).

USE NOTE: Use language in brackets as appropriate to the facts.
